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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/961,280 | 09/25/2001 | Mitsuo Yasushi | Q66369 | 5293 |

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EXAMINER

WANG, LIANG CHE A

ART UNIT PAPER NUMBER

2155

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,280

Applicant(s)

YASUSHI ET AL.

Examiner

Liang-che Alex Wang

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-5 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 05/23/2005, have been fully considered but they are not persuasive.

3. In that remarks, applicant's argues in substance:

- a. That: Gernert does not disclose an "update condition" or an "update condition holding means" for each data type in the mobile computer device (remark, page 5)

This is found not persuasive because Gernert teaches synchronization and reconciliation is performed to update the information stored in the mobile computer terminal to the host computer in Col 8 lines 6-10. Since an update is performed in the system; "update condition" and "update condition holding means" exist. For example, the condition of update is either "updated" or "not update". And when the update condition is "not update", it is holding the update condition in "not update". The Examiner has the burden to give the broadest interpretation to the claim. Although, applicant might interpret "update condition" and "update condition holding means" in different way, however, not enough information is given in the claim for the examiner to make a distinction between the claimed invention and the prior art.

- b. That: Gernert does not disclose the use of an update cycle or an update cycle for each of the data types.

This is found not persuasive because Gernert teaches synchronization and reconciliation is performed to update the information stored in the mobile computer terminal to the host computer in Col 8 lines 6-10. Since updates are performed in the system, the update cycle occurs.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It phrase “the update cycle is shorter for data of a type that changes more frequently” is ambiguous and is not a patentable distinguish language.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Gernert et al., hereinafter Gernert.

8. Referring to claim 1, Gernert has taught a data communication system (figure 6) comprising a server (host computer 130) having a first storage device in which a database is formed (host database 136), and a mobile communication device (item 120) for connecting to said server (item 130) through a network line (item 128), wherein: said mobile communication device (item 120) includes:
- a. a second storage device (item 124) for storing a plurality of data signals each having different data types related to a mobile unit (Col 7 lines 25-27, 61-65, Col 2 lines 50-65, data collected at mobile computer terminal are having different data types related to mobile unit);
 - b. update condition holding means for previously holding an update condition for each of the data types (Col 1 lines 13-17);
 - c. transmitting means for transmitting each of the data signals stored in said second storage device at a timing corresponding (Col 7 line 64 – Col 7 line 1) to an update condition held in said update condition holding means for each of the data types (Col 8 lines 5-10); and
 - d. said server includes means for receiving a data signal transmitted from said transmitting means through said network line and for writing the received data signal into said first storage device to update the database (Col 7 lines 16-18, Col 8 lines 5-10).
9. Referring to claim 2, Gernert has further taught wherein said update condition holding means holds an update cycle for each of the data types as the update condition (Col 8 lines 5-10).

10. Referring to claim 4, Gernert has taught a database updating method for updating a database (figure 6, item 136) in a data communication system (figure 6) which includes a server (item 130) having a first storage device in which a database is formed (item 136), and a mobile communication device (item 120) for connecting to said server (item 130) through a network line (item 128), said method comprising the steps of:
- a. storing a plurality of data signals each having different data types related to a mobile unit (Col 7 lines 25-27, 61-65, Col 2 lines 50-65, data collected at mobile computer terminal are having different data types related to mobile unit) in a second storage device (item 124) provided in said mobile communication device (item 120);
 - b. previously holding an update condition for each of the data types (Col 1 lines 13-17);
 - c. transmitting each of the data signals stored in said second storage device at a timing corresponding (Col 7 line 64 – Col 7 line 1) to an update condition held for each of the data types (Col 8 lines 5-10); and
 - d. receiving a data signal transmitted from said transmitting means through said network line and for writing the received data signal into said first storage device to update the database (Col 7 lines 16-18, Col 8 lines 5-10).
11. Referring to claim 5, Gernert has taught a mobile communication device (item 120, figure 6) for connecting to a server (item 130) having a first storage device in which a database is formed (item 136), through a network line (item 128), comprising:

- a. a second storage device (item 124) for storing a plurality of data signals each having different data types related to a mobile unit (Col 7 lines 25-27, 61-65, Col 2 lines 50-65, data collected at mobile computer terminal are having different data types related to mobile unit);
- b. update condition holding means for previously holding an update condition for each of the data types (Col 1 lines 13-17);
- c. transmitting means for transmitting each of the data signals stored in said second storage device at a timing corresponding (Col 7 line 64 – Col 7 line 1) to an update condition held in said update condition holding means for each of the data types (Col 8 lines 5-10).

Conclusion

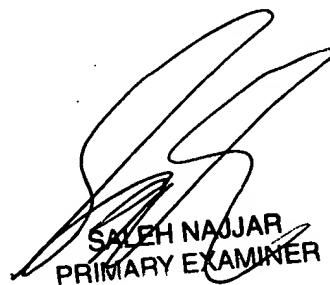
12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang
August 1, 2005

lw


SALEH NAJJAR
PRIMARY EXAMINER